

REMARKS

Claims 1-43 are pending in the present application. Applicants note with appreciation the indication of allowable subject matter with respect to claims 2-4, 10, 12-15, 19-22, 27 and 38-43. With entry of this Amendment, Applicants amend claims 1, 2, 11, 12, 16, 17, 19, 38, 39 and 41 and cancel claims 30-37 without prejudice. Reexamination and reconsideration are respectfully requested.

Election

On July 8, 2004, the Examiner imposed a three-way restriction requirement. Claims 1-9 and 38-40 were placed in Group I. The Examiner later corrected this restriction to add claims 10-27 and 41-43 in Group I. *See* Interview Summary dated August 16, 2004. Claims 30-37 were placed in Group II and claims 28 and 29 were placed in Group III.

On August 4, 2004, Applicants elected Group I as corrected. That is, they elected claims 1-27 and 38-43. Applicants also noted in their election that claims 28 and 29 in Group III would be examined with Group I. *See* Response to Restriction Requirement dated August 4, 2004.

In the present Office Action, the Examiner has examined claims 1-27 and 38-43. Applicants respectfully request that claims 28 and 29 should also be examined in view of Applicants' response to the restriction. With respect to claims 30-37 in Group II, Applicants herewith cancel these claims without prejudice.

Claim Objections

The Examiner objected to claims 38, 39 and 41. Applicants have amended claims 38, 39 and 41 to include the Examiner's proposed recitations. Accordingly, Applicants respectfully request that the objections be withdrawn.

Rejections

The Examiner rejected claims 1, 5-9, 11, 16-18 and 23-26 as being unpatentable over Osakabe et al. (US 5933430) in view of Higurashi (US 4819088). The rejection is respectfully traversed.

Claim 1

The present invention recording and reproducing asynchronously produced digital data codes. The present invention places synchronous data codes among the digital data codes so that each of the digital data codes is contiguous to another digital data code or one of the synchronous data codes. Such a continuous data stream results in high transfer efficiency. *See, e.g.*, specification at page 30, lines 3-8.

Applicants have amended claim 1 to recite supplementing synchronous data codes “among said digital data codes for producing a continuous data stream so that each of said digital data codes is contiguous to another of said digital data codes or one of said synchronous data codes.”

In contrast, neither Osakabe nor Higurashi disclose the above recited step of supplementing. Osakabe illustrates in Fig. 10 that a signal stream is divided into data blocks. The data of each block is loaded onto a packet and transmitted on an IEEE-1394 serial bus in assigned time slots. If a data packet is not available for a given time slot, a “dummy” packet is assigned to the time slot as illustrated in Fig. 10. It appears that the Examiner considers the use of these “dummy” packets as satisfying the recited step of supplementing.

However, as Fig. 10 clearly illustrates, the “dummy” packets are inserted between the data packets. This is different from the claimed invention where synchronous data codes are inserted among the digital data codes themselves to produce a continuous data stream. Osakabe does not disclose, for example, any such insertions among the data in a given packet. That is, Osakabe fails to disclose supplementing synchronous data codes “among said digital data codes for

producing a continuous data stream so that each of said digital data codes is contiguous to another of said digital data codes or one of said synchronous data codes.”

It is believed that Higurashi does not make up for the deficiencies of Osakabe, given that it was only cited for disclosing phase shift keying. According, Applicants submit that claim 1 is patentable over Osakabe and Higurashi.

Finally, Applicants note that they have amended claim 1 to place the claim in better idiomatic form. Specifically, “supplementing synchronous data codes representative of meaninglessness from the aspect of definitions of said pieces of data information” has been changed to “supplementing synchronous data codes representation of information which is meaningless with respect to definitions of said pieces of data information.” Applicants have made other amendments to claim 1 in view of this amendment.

Dependent Claims 2-10

Applicants have amended claim 2 in view of the amendments to claim 1. As discussed above, the Examiner has indicated that claims 2-4 and 10 recite allowable subject matter. Applicants respectfully submit that claims 5-9 are likewise in condition for allowance for at least the reasons set forth above with respect to claim 1.

Claim 11

Claim 11 is directed to a recording apparatus and has been amended in a similar manner as claim 1. Applicants respectfully submit that claim 11 is patentable for at least the reasons set forth above with respect to claim 1.

Dependent Claims 12-27

Applicants have amended claims 12, 16, 17 and 19 in view of the amendments to claim 11. As discussed above, the Examiner has indicated that claims 12-15, 19-22 and 27 recite

allowable subject matter. Applicants respectfully submit that claims 16-18 and 23-26 are likewise in condition for allowance for at least the reasons set forth above with respect to claim 11.

Claims 28-29

Claim 28 is directed to an information storage medium and has been amended in a similar manner as claim 1. Applicants respectfully submit that claim 28 and its dependent claim 29 are patentable for at least the reasons set forth above with respect to claim 1.

Claims 38-43

The Examiner has allowed these claims, and it believed that the amendments discussed above with respect to claims 38, 39 and 41 address the Examiner's objections.

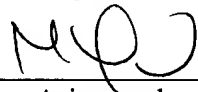
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032024400.

Dated: November 3, 2005

Respectfully submitted,

By 
Mehran Arjomand
Registration No.: 48,231
MORRISON & FOERSTER LLP
555 West Fifth Street, Suite 3500
Los Angeles, California 90013
(213) 892-5200